



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/632,517 | 07/31/2003 | Paulo Matos | U1656-00007 | 4344 |

53897 7590 08/10/2006

DUANE MORRIS LLP
101 WEST BROADWAY
SUITE 900
SAN DIEGO, CA 92101-8285

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,517

Applicant(s)

MATOS ET AL.

Examiner

Angela A. Armstrong

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Rapaport et al (US Patent No. 7,034,691).

Rapaport discloses adaptive communication methods and systems for facilitating the gathering, distribution, and delivery of information related to medical care.

Regarding claim 1, Rapaport discloses a system for operating at least one automated dialog (col. 43, line 33 to col. 67, line 24), comprising: a definer that is accessible to a configurator, wherein the definer allows for the assemblage of the at least one automated dialog via at least one non-program coding interface (col. 11, lines 39-42); at least one data module that is incorporated into the at least one automated dialog after assemblage, wherein the at least one data module comprises at least one information item about at least one recipient of the at least one automated dialog (Interview 340; col. 43, line 33-col. 67, line 24); an executor that incorporates the at least one automated dialog and the at least one data module into a joinder communication, and that executes an communication in accordance with the joinder communication (col. 11, line 39 to col 12, line 59); and a communication interface, wherein the communication reaches the recipient through the interface (col. 10, line 51 to col. 11, line 25).

Regarding claim 2, Rapaport discloses, the executor further includes at least one assessor, wherein the assessor employs voice recognition to assess at least one interaction mechanism to the communication (col. 10, line 67 to col. 11, line 5).

Regarding claim 3, Rapaport discloses the communication is outgoing (col. 10, line 51 to col. 11, line 25).

Regarding claim 4, Rapaport discloses the communication is incoming (col. 10, line 51 to col. 11, line 25).

Regarding claim 5, Rapaport discloses the communication interface includes at least one interaction mechanism (col. 12, line 60 to col. 13, line 21).

Regarding claim 6, Rapaport discloses at least one interaction mechanism comprises at least one close-ended response to a close-ended question to the recipient in the at least one automated dialog (col. 31, lines 14-46).

Regarding claim 7, Rapaport discloses the close-ended response is reported to the configuror (col. 31, lines 14-46).

Regarding claim 8, Rapaport discloses the at least one interaction mechanism comprises at least one open ended response to an open-ended question to the at least one recipient in the at least one automated dialog (col. 31, lines 14-46).

Regarding claims 9-12, Rapaport discloses the open-ended response is transcribed and reported to the configuror (chart notes 372; col. 31, lines 14-46).

Regarding claim 13, Rapaport discloses the definer includes at least one wizard (Figures 11-35; col. 40, lines 38-59; col. 42, line 58 to col. 43, line 8).

Art Unit: 2626

Regarding claim 14, Rapaport discloses the wizard provides to the configuror at least one customer application (Figures 11-35).

Regarding claim 15, Rapaport discloses the at least one customer application includes a recommendation for dialog flow of the at least one automated dialog (col. 43, line 33 to col. 67, line 24).

Regarding claim 16, Rapaport discloses the at least one data module includes at least one recipient format (col. 12, line 25 to col. 14, line 30).

Regarding claim 17, Rapaport discloses the data module includes at least one recipient demographic information (col. 12, line 25 to col. 14, line 30; col. 34, lines 20-22; col. 43, lines 15-29).

Regarding claim 18, Rapaport discloses the demographic information includes age (col. 34, lines 20-22; col. 35, lines 25-34; col. 43, lines 15-29).

Regarding claim 19, Rapaport discloses the recipient format is varied in accordance with the at least one recipient demographic information (col. 12, line 25 to col. 14, line 30; col. 34, lines 20-22; col. 43, lines 15-29).

Regarding claim 20, Rapaport discloses the demographic information includes age (col. 34, lines 20-22; col. 35, lines 25-34; col. 43, lines 15-29).

Regarding claim 21, Rapaport discloses the at least one automated dialog is varied in accordance with the recipient format (col. 12, line 25 to col. 14, line 30; col. 43, lines 15-29).

Regarding claim 22, Rapaport discloses the communication interface includes at least one selected from email, telephone, IP telephony, Web, mail and SMS (col. 10, line 51 to col. 12, line 24).

Art Unit: 2626

Regarding claim 23, Rapaport discloses the communication interface is network based (col. 10, line 51 to col. 12, line 24).

Regarding claims 24-26, Rapaport discloses the automated dialog includes at least one selected from the group consisting of medication adherence (prescription refill request), health monitoring, claims adjudication, health monitoring surveys, drug-to-drug migration, change in insurance benefits and patient recruitment (col. 15, lines 14-36 and lines 51-64).

Regarding claim 27, Rapaport discloses the at least one automated dialog is varied in accordance with the interaction mechanism to the at least one automated dialog (col. 12, line 25 to col. 14, line 30; col. 34, lines 20-22; col. 35, lines 25-34; col. 43, lines 15-29).

Regarding claims 28-41, the claims are similar in scope and content to claims 1-27 and are therefore rejected under similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Angela A Armstrong
Primary Examiner
Art Unit 2626

AAA
August 7, 2006